

APPEAL,CLOSED2022,DP

**U.S. District Court  
SOUTHERN DISTRICT OF ALABAMA (Mobile)  
CIVIL DOCKET FOR CASE #: 1:22-cv-00253-TFM-N**

James v. Raybon et al  
Assigned to: District Judge Terry F. Moorer  
Referred to: Magistrate Judge Katherine P. Nelson  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/27/2022  
Date Terminated: 07/13/2022  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Joe Nathan James, Jr.**

represented by **Joe Nathan James, Jr.**  
Z-610  
Holman Correctional Facility  
Holman 3700  
Atmore, AL 36503-3700  
PRO SE

V.

**Defendant**

**Terry Raybon**  
*Warden at Holman Prison*

represented by **Richard Dearman Anderson**  
Office of the Attorney General of Alabama  
Capital Litigation  
501 Washington Ave.  
Montgomery, AL 36130-0152  
(334) 353-2021  
Email: [Richard.Anderson@alabamaag.gov](mailto:Richard.Anderson@alabamaag.gov)  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Active*

**Defendant**

**John Hamm**  
*Commissioner at Department of  
Corrections*

represented by **Richard Dearman Anderson**  
(See above for address)  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Active*

**Defendant**

**Julia Jordan Weller**  
*Clerk at Supreme Court of Alabama*

represented by **James W. Davis**  
Office of the Attorney General  
501 Washington Ave.  
Montgomery, AL 36130-0152  
334-353-1356  
Fax: 334-353-8440  
Email: [Jim.Davis@AlabamaAG.gov](mailto:Jim.Davis@AlabamaAG.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Active*

**Defendant**

**Steve Marshall**  
*Attorney General, State of Alabama*

represented by **Richard Dearman Anderson**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Active*

**Defendant**

**Earl Marsh, Jr.**  
*Marshal, Appellate Courts of Alabama*

represented by **James W. Davis**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Active*

**Defendant**

**Sheriff of Jefferson County**

represented by **Bruce L. Gordon**  
 Gordon, Dana, Still, Knight & Gilmore,  
 LLC  
 600 University Park Place, Suite 100  
 Birmingham, AL 35209  
 205-874-7950  
 Email: [bgordon@gattorney.com](mailto:bgordon@gattorney.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Bar Status: Active*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
06/27/2022	<u>1</u>		PRISONER COMPLAINT [For Inmate Action] Under 42 USC Section 1983 against John Hamm, Earl Marsh, Jr, Steve Marshall, Terry Raybon, Sheriff of Jefferson County, Julia Jordan Weller, filed by Joe Nathan James, Jr. 90 day Rule 4m deadline set for 9/26/2022.; referred to Judge Mooror (mab) (Entered: 06/28/2022)
06/27/2022	<u>2</u>		MOTION for Leave to Proceed in forma pauperis filed by Joe Nathan James, Jr.; Referred to Judge Terry F. Mooror. (mab) (Entered: 06/28/2022)
06/29/2022			MOTION for Preliminary Injunction filed by Joe Nathan James, Jr. (SEE DOCS. <u>1</u> & <u>3</u> ) (Referred to J/Mooror) (tot) (Entered: 06/29/2022)
06/29/2022	<u>3</u>		Order GRANTING Plf's <u>2</u> MOTION for Leave to Proceed in forma pauperis as set out. The Clerk is DIRECTED to furnish a copy of this order to the account clerk at Holman Correctional Facility. The Court is construing the Complaint as containing a MOTION for Preliminary Injunction to which Dft shall file a response on or before 7/8/2022. In addition to the normal method of serving this Order & Complaint, the Clerk is DIRECTED to send a copy of this information to Dft by expedited means as set out. Signed by District Judge Terry F. Mooror on 6/29/22. (e-mailed to Office Attny Gen of the State of Alabama, Warden Terry Raybon, & Office of Commissioner of ADOC on 6/29/22; copy mailed to Plf & Account Clerk @ Holman Correctional Facility on 6/29/22; & copy to

		Attny Gen of the State of Alabama, Warden Terry Raybon, & John Q. Hamm, Commissioner of ADOC, via overnight delivery on 6/29/22) (tot) (Entered: 06/29/2022)
06/29/2022	<u>4</u>	NOTICE of Appearance by Richard Dearman Anderson on behalf of John Hamm (Anderson, Richard) (Entered: 06/29/2022)
07/01/2022	<u>5</u>	NOTICE of Appearance by Richard Dearman Anderson on behalf of John Hamm, Steve Marshall, Terry Raybon (Anderson, Richard) (Entered: 07/01/2022)
07/06/2022	<u>6</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by John Hamm, Steve Marshall, Terry Raybon. (Attachments: # <u>1</u> Exhibit A) (Anderson, Richard) (Entered: 07/06/2022)
07/06/2022		MOTIONS REFERRED: <u>6</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> Referred to Judge Terry F. Moorer. (mab) (Entered: 07/06/2022)
07/07/2022	<u>7</u>	MOTION to Dismiss filed by Earl Marsh, Jr, Julia Jordan Weller. (Davis, James) (Entered: 07/07/2022)
07/07/2022		MOTIONS REFERRED: <u>7</u> MOTION to Dismiss Referred to Judge Terry F. Moorer. (mab) (Entered: 07/07/2022)
07/08/2022	<u>8</u>	NOTICE of Appearance by Bruce L. Gordon on behalf of Sheriff of Jefferson County (Gordon, Bruce) (Entered: 07/08/2022)
07/08/2022	<u>9</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by Sheriff of Jefferson County. (Gordon, Bruce) (Entered: 07/08/2022)
07/08/2022		MOTIONS REFERRED: <u>9</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> Referred to Judge Terry F. Moorer. (mab) (Entered: 07/08/2022)
07/13/2022	<u>10</u>	MEMORANDUM OPINION AND ORDER DENYING James's Motion for a Preliminary Injunction staying his execution. It is ORDERED that James' Complaint <u>1</u> is DISMISSED without prejudice because Plt's claims are either frivolous or fail to state a claim upon which relief can be granted. As a result, the Defendants' Motions to Dismiss <u>6</u> , <u>7</u> , <u>9</u> are DENIED as moot. The Clerk is DIRECTED to send a copy of the Memorandum Opinion & Order to Plf by overnight mail, & defense counsel is to send a copy to the Warden by either electronic mail or facsimile w/the instructions that a copy of this Memorandum Opinion & Order be given to the Plf immediately upon receipt. (copy sent to Plf by UPS overnight mail & to Terry Raybon, Warden @ Holman Correctional Facility, by e-mail on 7/13/22) Signed by District Judge Terry F. Moorer on 7/13/2022. (fz) (Entered: 07/13/2022)
07/13/2022	<u>11</u>	JUDGMENT, this action is DISMISSED without prejudice in accordance w/the Memorandum Opinion & Order entered this date. The Clerk is DIRECTED to enter this document on the civil docket as the Final Judgment as set out. (copy sent to Plf by UPS overnight mail & to Terry Raybon, Warden @ Holman Correctional Facility, by e-mail on 7/13/22) Signed by District Judge Terry F. Moorer on 7/13/2022. (fz) (Entered: 07/13/2022)
07/18/2022	<u>12</u>	NOTICE OF APPEAL as to <u>11</u> Judgment, by Joe Nathan James, Jr. (cjr) (Entered: 07/18/2022)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**JOE NATHAN JAMES, JR.,  
AIS 000Z610**

**Plaintiff,**

**vs.**

**TERRY RAYBON, Warden, *et. al.*,**

**Defendants.**

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**CIV. ACT. NO. 1:22-cv-253-TFM-N**

**JUDGMENT**

In accordance with the Memorandum Opinion and Order entered this same date, it is **ORDERED, ADJUDGED** and **DECREED** that this action is **DISMISSED** without prejudice.

The Clerk of Court is **DIRECTED** to enter this document on the civil docket as a Final Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

**DONE** and **ORDERED** this 13th day of July 2022.

/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE

FILED JUL 18 '22 PM 12:53 USDCAL5

In The United States District Court for  
The Southern District of Alabama  
Southern District

<u>Joe Nathan James, Jr.</u>	# Z-610	}
Plaintiff,		}
		}
Vs.		{ CIV. ACT. NO. 1:22-cv-253-
		TFM-N
<u>Terry Raybon, Warden, et al.</u>		}
Defendants		}

Notice of Appeal

The Plaintiff gives notice of intent to appeal in this civil action, to the Eleventh Circuit Court of Appeals.

DONE this 15<sup>th</sup> day of July 2022

Joe N. James # Z-610  
Plaintiff

Address: Joe N. James # Z-610  
K-25  
Holman 3700  
Atmore, AL 36503

K-25

Holman 3700

Atmore, AL 36503

MOBILE AL 366

15 JUL 2022 PM 2 L



United States District Court  
Southern District of Alabama

Clark

155 St. Joseph Street

Mobile, Alabama 36602

Legal Mail

This correspondence is forwarded from an Alabama State Prison. The contents have not been evaluated, and the Alabama Department of Corrections is not responsible for the substance or content of the enclosed communication.

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